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C O N F I D E N T I A L SECTION 01 OF 03 KUWAIT 000799

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FOR NEA/ARP AND G/TIP PATEL

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TAGS: PREL PHUM SOCI KWMN TIP
SUBJECT: GOK RESPONSE TO 2008 TIP REPORT

REF: A. KUWAIT 782 B. KUWAIT 772 C. KUWAIT 666 D.
KUWAIT 637

Classified By: Ambassador Deborah K. Jones for reasons 1.4 (b) and (d)

¶1. (C) SUMMARY: In the weeks since the release of the 2008 TIP report, Kuwait's Tier 3 ranking has received widespread media coverage and appears to have galvanized members of the newly appointed government and some MPs to rally behind the cause of combating TIP. Initial media coverage was negative against the U.S. and Kuwait's ranking, however, in recent weeks the tone has shifted to reports of government efforts against TIP and editorials appealing for the GOK to take action. Although most GOK officials expressed frustration with the report, namely the decrease from Tier 2 Watchlist to Tier 3 and the inclusion of statements in the report regarding Kuwaitis traveling abroad for commercial sex acts, the report has garnered extensive government and media attention serving to expand public awareness about TIP. Both the new Minister of Social Affairs and Labor and new Minister of Justice/Awqaf and Islamic Affairs have demonstrated interest in increasing the government's efforts to combat TIP. Several MPs, including hardline Islamist Dr. Walid Al-Tabtabaei, have also rallied behind the cause. However, we suspect that some MPs, including Al-Tabtabaei, may be using the issue as a political "stick" to "beat" the government. The GOK is in talks with the International Organization for Migration (IOM) to hold various courses related to TIP this fall. At the GOK's request, the IOM is preparing a concept paper for a two-year program specifically aimed at combating TIP. It is unlikely that any action will take place in the next two weeks (before Kuwait's reassessment as a Tier 3 country) to justify Kuwait's return to Tier 2 Watchlist status. However, presentation of drafted anti-TIP legislation to the National Assembly when it reconvenes in October, follow-through with planned IOM training courses in October and November and continued discussion of TIP within government and press circles will further increase public awareness and demonstrate the level of GOK commitment to combat TIP. END SUMMARY

NEW GOVERNMENT, NEW INTEREST IN TIP

¶2. (C) The June 4 release of the 2008 TIP Report, which ranked Kuwait as a Tier 3 country, came on the heels of parliamentary elections and the subsequent appointment of the new Kuwaiti government at the end of May. Immediate media reaction (Ref C) criticized the U.S. and challenged Kuwait's Tier 3 ranking, though some commentators acknowledged the problem and urged the government to take steps to combat the issue. In the weeks since the release of the report, TIP continues to make headlines, but the rhetoric has changed giving way to reports of government efforts to address the issue and editorials appealing to the GOK to take action (Ref B).

¶3. (C) Bader Al-Duwaila, Minister of Social Affairs and

Labor and Hussain Al-Huraiti, Minister of Justice and Awqaf and Islamic Affairs, both new to their portfolios, have expressed concern about the issue and their desire to increase efforts to combat TIP to Ambassador (Reps A and D) and in the media. Steps discussed include pressing for passage of already-drafted anti-TIP legislation (which has been in the Council of Ministers for almost a year), pressing the Council of Ministers to deliberate on a domestic labor law that was submitted by the Kuwait Bar Association (NOTE: Currently, domestic laborers are not covered under any legislation. END NOTE), investigating MPs allegedly involved in visa trading schemes and opening additional shelters for trafficking victims.

¶4. (C) Many of the MPs have also charged the government, specifically the Ministry of Social Affairs and Labor (MOSAL), with inaction on the issue. One MP (hardline Islamist Adel Al-Sarawi) suggested, and gained support from other MPs, forming a committee specifically committed to tackling TIP.

REPORT: "EXAGGERATED AND UNFAIR"

¶5. (C) In numerous meetings with Poloff, Kuwaiti interlocutors expressed frustration about Kuwait's demotion to a Tier 3 ranking after it's rise to Tier 2 Watchlist in the fall of 2007. A few officials lamented the constant rise and fall in ranking as "discouraging" to the GOK's efforts to combat TIP. (NOTE: Kuwait has moved between Tier 3 and Tier 2 Watchlist for the past four years. END NOTE) Many also

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commented that the report was exaggerated and portrayed Kuwait, "a close ally of the U.S.", in an unfair manner. In addition, some officials, including the Minister of Social Affairs and Labor who specifically raised it with Ambassador, expressed their dismay at the inclusion in this year's report statements regarding Kuwaitis traveling abroad for commercial sex acts and the GOK's lack of efforts to reduce the demand for commercial sex acts. As an Islamic country with laws based on the Shari'a (Islamic law), many of our interlocutors feel that these acts are inherently forbidden and that there is no need to codify them in any type of legislation.

AN UNEXPECTED ALLY

¶6. (C) An unexpected ally in the fight against TIP is hardline Islamist MP, Dr. Walid Al-Tabtabaei. Al-Tabtabaei is the new chairman of the National Assembly's Human Rights Committee and has rallied behind the cause of combating TIP. Numerous remarks made by Al-Tabtabaei calling on the government to deal directly with the issue have been widely covered in the press. His motivation, however, appears to stem more from using TIP as a political "stick" with which to "beat" the government for its inaction on this and other issues.

¶7. (C) Poloff met with Al-Tabtabaei and two other members of the Human Rights Committee to discuss the report on June 30. The meeting became media fodder for a week as the government, through the Speaker of the National Assembly, Jassem Al-Khorafi, denounced it saying that the Embassy disregarded protocol by arranging the meeting directly with the committee vice going through the Ministry of Foreign Affairs (MFA) and the Speaker's office. (NOTE: There is no precedent for going through either the MFA or the Speaker's office for Embassy meetings with individual MPs or National Assembly committees. Per protocol, the only member of the National Assembly that requires a request through the MFA is the Speaker. END NOTE)

ANTI-TRAFFICKING PROGRAMS WITH IOM

¶18. (C) The GOK has recently been working with the International Organization for Migration (IOM) on various training programs to assist in combating TIP. On June 1 - 5, five Kuwaiti officials from MOSAL and the Ministry of Interior (MOI) participated in a shelter management training course held by IOM in Bahrain. In addition, MOSAL has requested that IOM hold a one week capacity building training course for the staff of the domestic workers' shelter in October. Also in October, IOM will be conducting training for MOI officials at the national police academy to educate law enforcement officials on trafficking which will include victim identification and ways to handle trafficking cases. In November, IOM will be hosting a five-day course entitled "Enhancing Management of Temporary Foreign Labor in Kuwait: An Orientation Course for Government and Civil Society Representatives" funded by the British Embassy in Kuwait.

¶19. (C) At the GOK's request, IOM is preparing a concept paper for a two-year program (at a cost of USD 2 million) aimed at enhancing the capacity of the GOK to identify and protect victims, improve inter-agency cooperation on the issue and launch a large-scale awareness program.

ANOTHER VIEW OF GOK EFFORTS

¶10. (C) Although TIP has received a great deal of attention in recent weeks, many of the sending country embassies continue to bemoan the number of runaway domestic workers in their shelters (NOTE: All sending country embassies have their own shelters within the embassies. END NOTE). The embassies of the Philippines, Sri Lanka, India and Indonesia have an average of 200 women in each of their shelters daily. The Sri Lankan Labor Attach told Poloff that the GOK shelter will only accept women with "easy" cases and any women who arrive at the shelter wishing to file cases against their employers are sent back to the embassy. He also told Poloff that the Sri Lankan embassy no longer sends women to the GOK shelter because "there is no point." The Indian Consul General recently described the GOK shelter as a "farce" because it is too small and there are no established guidelines for determining which women are allowed to enter and stay. (NOTE: Per the director of the shelter, each embassy is allowed to send 10 women. However, embassies are not allowed to send additional women until all 10 of the previous women sent have left the shelter. END NOTE)

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LOOKING AHEAD

¶11. (C) Summer holidays and the adjournment of the National Assembly on June 26 preclude substantial progress to justify Kuwait's return to Tier 2 Watchlist status before the end of the 60 day reassessment period (which ends in two weeks). Presentation of drafted anti-TIP legislation to the National Assembly when it reconvenes in October, follow-through with the planned IOM training courses in October and November and continued discussion of TIP within government and press circles will further increase public awareness and demonstrate the level of GOK commitment to combat TIP.

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